

CITY OF WILLOW PARK

ORDINANCE NO. 621-10

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM: "COMMERCIAL & SINGLE FAMILY/DUPLEX (R-2)" CLASSIFICATION AND USE DESIGNATION TO A SPECIAL PURPOSE: PLANNED DEVELOPMENT ZONING CLASSIFICATION AND USE DESIGNATION FOR THAT CERTAIN 17.336 ACRES OF LAND, MORE OR LESS, (DISTRICT) SITUATED IN THE PLANNED DEVELOPMENT DISTRICT, MORE COMMONLY REFERRED TO AS TRINITY CHURCH PROPERTIES PROPOSED FOR WILLOW PARK, TEXAS AS LOCATED IN THE I.&G.N.R.R. CO. SURVEY, ABSTRACT NO. 1821 AND BEING ALL OF THOSE CERTAIN TRACTS OF LAND DESCRIBED IN VOLUME 1076, PAGE 1258, VOLUME 1722, PAGE 269 AND VOLUME 2457, PAGE 1882, REAL PROPERTY RECORDS, PARKER COUNTY, TEXAS; PROVIDING FOR A PENALTY, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, is a municipal corporation duly and legally formed in the State of Texas; and

WHEREAS, the City is a general law municipality with specific powers delegated to it to protect the health, safety and general welfare of its citizens; and,

WHEREAS, pursuant to Chapter 211 TEXAS LOCAL GOVERNMENT CODE, the City of Willow Park has the authority to adopt comprehensive zoning plans and to amend said plans for the purposes of promoting the health, safety and welfare of the City; and

WHEREAS, TBCA, Inc., d/b/a Trinity Christian Academy and Trinity Bible Church of Aledo (Owners) have applied for a change in zoning for that certain 17.336 acres of land, more or less, situated in the planned development district, more commonly referred to as Trinity Church Properties proposed for Willow Park, Texas as located in the I.&G.N.R.R. Co. Survey, Abstract No. 1821 and being all of those certain tracts of land described in Volume 1076, Page 1258, Volume 1722, Page 269 and Volume 2457, Page 1882, Real Property Records, Parker County, Texas; and

WHEREAS, a public hearing on the zoning change was held by the Planning and Zoning Commission of the City of Willow Park on July 1, 2010 and a final report for recommendations was submitted to the governing body of the City; and

WHEREAS, the City of Willow Park held a public hearing subsequent to that of the Planning and Zoning Commission on July 1, 2010 and subsequent to receiving the final report and recommendations of the Planning and Zoning Commission with respect to the application for a zoning change; and

WHEREAS, the City Council finds that the change is consistent with surrounding zoning as shown in the Comprehensive Plan; and

WHEREAS, all requirements concerning notice to adjacent property owners, publication and other procedural requirements have been complied with in accordance with Chapter 211, TEXAS LOCAL GOVERNMENT CODE; and

WHEREAS, the City of Willow Park, Texas does hereby deem it advisable and in the public interest to grant the specific use permit to the applicant upon the conditions set forth herein and with the intent that said specific purpose use be finalized into a planned development district zoning, which final plat may be approved by the City Council; and

WHEREAS, the City of Willow Park has adopted a Comprehensive Plan for the long range development of the municipality and inclusion of the planned development district described herein is consistent with that long range plan; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORIZATION

The Mayor or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. LAND USE PERMITTED

The zoning district classification and use designation of the Property described in Exhibit "A" and depicted in Exhibit "B" is hereby changed from Commercial & Single Family/Duplex (R-2) zoning district classification and use designation to Special Purpose "PD", Planned Development District zoning district classification and use.

SECTION 3. TERM

The change in zoning district classification and use designation is made expressly contingent upon a condition subsequent, the execution of a Development and Use Agreement between Owner and the City concerning the terms and conditions of development within the "PD" District which shall permit the construction, use and occupancy of structures by and for the Owners for a church and school and other improvements or ancillary structures necessary and required for the operation and occupancy of said enumerated structures. If a Development and Use Agreement is not entered into between the Owner and the City within ninety days after the adoption of this Ordinance, then this Ordinance shall be null and void and the subject property will retain and revert to its prior zoning designation. Further, construction of the improvements to the Trinity Church Properties shall commence within six months after the execution of the Development and Use Agreement or the zoning and land use granted herein will expire and become void.

SECTION 4. ASSIGNMENT

The rights established hereunder between the City and the Developer are not assignable or transferable to any other person or entity except upon the express written permission and approval of the governing body of the City.

SECTION 5. COMPREHENSIVE PLAN

Pursuant to §213.003(b) TEX. LOCAL GOVT. CODE, the City does hereby amend the Comprehensive Plan of the City of Willow Park pursuant to this Ordinance and the findings herein and directs the City Secretary to make all required changes thereto.

SECTION 6. MAP AMENDMENT

The City Secretary is hereby directed to amend the official zoning map to reflect the adoption of the planned development district approved herein consistent with markings as specified by Municipal Code of Ordinances of the City of Willow Park.

SECTION 7. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of other provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 8. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

SECTION 9. PUBLICATION

The City Secretary of the City of Willow Park is hereby directed to publish in the official newspaper of the City of Willow Park the caption hereof and the effective date of this ordinance as required by Section 52.011 of the LOCAL GOVERNMENT CODE.

SECTION 10. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Willow Park and after publication as required herein, only if and when the condition subsequent in Section 3 has been met.

PASSED AND ADOPTED this 9th day of August, 2010.

/s/ Kenneth Hawkins
Mayor

ATTEST: /s/ Yael Hoffman
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 621-10, did on the 9th day of August, 2010 did vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Kenneth Hawkins, Mayor	_____	_____
Barry K. Tatum, Place 1	_____	_____✓
Gene Martin, Place 2	_____	_____
Barry Brown, Place 3	_____✓	_____
Mark Hickerson, Place 4	_____✓	_____
Hale Alderman, Place 5	_____✓	_____

